

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT

UNITED STATES

2013 JUL 29 PM 4:47

FOREIGN INTELLIGENCE SURVEILLANCE COURT

WASHINGTON, D.C.

LEE ANN FLYNN HALL
CLERK OF COURT

IN RE: DIRECTIVES PURSUANT TO SECTION)
105B OF THE FOREIGN INTELLIGENCE)
SURVEILLANCE ACT)
)

Docket No. 105B(g) 07-01

THE UNITED STATES' RESPONSE TO THIS COURT'S JULY 15, 2013 ORDER

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In its Order of July 15, 2013, this Court directed the Government to “conduct a declassification review” of the Court’s April 25, 2008 Memorandum Opinion in this case and the “legal briefs submitted by the parties to this Court in this matter.” Order at 3. The Court further directed the Government to “report to the Court by July 29, 2013, with estimated dates by which it will be able to complete its review of the two categories of documents.” *Id.* In the interest of providing a more complete picture of the litigation in this matter, the Government also proposes to undertake a declassification review of certain additional materials in this litigation. The Government estimates that it will be able to complete its review as follows: (a) the April 25, Memorandum Opinion by Thursday, September 12, 2013, 45 days from today; (b) the briefs and materials cited by the Court in the Memorandum Opinion (*see* Appendix A) by Friday, September 27, 2013, 60 days from today; and (c) the other briefs and materials that the Government has identified as potentially relevant to the Court’s Memorandum Opinion (*see* Appendix A) on a rolling basis thereafter.

These estimates are based on an assessment of the volume of materials at issue, the type of information contained in those materials, and the necessity of inter-agency coordination in the declassification process. Moreover, given the nature of the materials at issue, the review of these documents will need to be conducted in conjunction with reviews of other materials. Specifically, the review needs to be coordinated with the ongoing review of the U.S. Foreign Intelligence Surveillance Court of Review opinion in this case and the associated materials; the overarching Executive Branch declassification effort; and multiple Freedom of Information Act cases and other cases involving related issues. The declassification decisions being made in the instant case are intertwined with these other declassification reviews.

July 29, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the United States' Response to this Court's July 15, 2013 Order was served via Federal Express overnight delivery on this 29th day of July, 2013, addressed to:

Marc J. Zwillinger
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Nicholas J. Patterson

APPENDIX A

List of documents for declassification review:

Group (a): Memorandum Opinion and Order

Memorandum Opinion dated 04/25/08 and Order to Compel Compliance dated 04/25/08

Group (b): Briefs and materials cited in the Memorandum Opinion

Government brief dated 11/21/07

Yahoo brief dated 11/30/07

Government brief dated 12/11/07

Government brief dated 01/04/08

Government declaration dated 01/16/08

Yahoo declarations dated 01/23/08

Government brief dated 02/15/08

Government brief dated 02/20/08

Government document dated 02/20/08

Yahoo brief dated 02/20/08

Order dated 02/28/08

Government brief dated 03/07/08

Government brief dated 03/19/08

Yahoo brief dated 03/19/08

Group (c): Relevant briefs and materials not cited in the Memorandum Opinion

Government brief dated 12/11/07

Order dated 12/14/07

Government brief dated 12/18/07

Yahoo brief dated 12/18/07

Yahoo brief dated 12/21/07

Government brief dated 12/27/07

Order dated 12/28/07

Other Order dated 12/28/07

Order dated 01/04/08

Yahoo brief dated 01/09/08

Order dated 01/10/08

Government brief dated 01/14/08

Order dated 01/17/08

Order dated 01/31/08

Order dated 02/06/08

Yahoo brief dated 02/07/08

Government brief dated 02/08/08

Order dated 02/12/08

Order dated 02/15/08

Yahoo brief dated 02/15/08

Government brief dated 02/26/08

Order dated 02/29/08

Government brief dated 03/03/08

Order dated 03/05/08

Government brief dated 03/14/08

Order dated 03/17/08

Government brief dated 04/16/08

Order dated 04/22/08

Government brief dated 04/30/08

Government brief dated 05/01/08

Order dated 05/02/08

Yahoo brief dated 05/06/08

Government brief dated 05/09/08

Second Government brief dated 05/09/08

Third Government brief and declaration dated 05/09/08

Fourth Government brief dated 05/09/08

Government brief dated 05/13/08

Yahoo brief dated 05/14/08

Second Yahoo brief dated 05/14/08

Order dated 05/14/08

Second Order dated 05/14/08

Order dated 05/15/08